

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
In re: Daily Harvest, Inc. : 22cv5987 (DLC); 23cv1607 (DLC);
Products Liability Litigation : 23cv1617 (DLC); 23cv1620 (DLC);
: 23cv1627 (DLC); 23cv1633 (DLC);
: 23cv1640 (DLC); 23cv1643 (DLC);
----- X 23cv1648 (DLC); 23cv1649 (DLC);
23cv1651 (DLC); 23cv1653 (DLC);
23cv1658 (DLC); 23cv1659 (DLC);
23cv1660 (DLC); 23cv1662 (DLC);
23cv1663 (DLC); 23cv1664 (DLC);
23cv1666 (DLC); 23cv1668 (DLC);
23cv1672 (DLC); 23cv1673 (DLC);
23cv1681 (DLC); 23cv1683 (DLC);
23cv1686 (DLC); 23cv1688 (DLC);
23cv1692 (DLC); 23cv1694 (DLC);
23cv1703 (DLC); 23cv1705 (DLC);
23cv1709 (DLC); 23cv1712 (DLC);
23cv1713 (DLC); 23cv1718 (DLC);
23cv1721 (DLC); 23cv1725 (DLC);
23cv1727 (DLC); 23cv1732 (DLC);
23cv1734 (DLC); 23cv1736 (DLC);
23cv1737 (DLC); 23cv1740 (DLC);
23cv1741 (DLC); 23cv1742 (DLC);
23cv1743 (DLC); 23cv1744 (DLC);
23cv1745 (DLC); 23cv1748 (DLC);
23cv1750 (DLC); 23cv2038 (DLC);
23cv2466 (DLC); 23cv2607 (DLC);
23cv3825 (DLC); 23cv3826 (DLC);
23cv3827 (DLC); 23cv3828 (DLC);
23cv3831 (DLC); 23cv4296 (DLC)

ORDER:
NON-PARTY DISCOVERY

DENISE COTE, District Judge:

Since August 17, 2022, this Court has presided over litigation filed by plaintiffs who assert that they were harmed by ingesting French Lentil + Leek Crumbles, a product sold by Daily Harvest, Inc. and manufactured by Second Bite Foods, Inc.,

d/b/a Stone Gate Goods with tara flour supplied by Smirk's Ltd. (the "Daily Harvest Litigation"). Other actions involving the same subject matter have been filed in other courts (the "Related Actions").

On January 31, 2023, a Protective Order was entered in the Daily Harvest Litigation, and on April 28, a Coordination Order was entered. The Coordination Order provided that discovery would be coordinated between the lead case in the Daily Harvest Litigation, Albright v. Daily Harvest, et al., 1:22-cv-5987 (the "Albright Proceeding"), and any Related Action in which the Coordination Order had been adopted.

The Coordination Order addressed the coordination of discovery for claimants who had filed Related Actions. It did not address discovery for individuals (and their counsel) who may have claims arising out of the same subject matter as the Daily Harvest Litigation but who have not filed any action ("Represented Potential Claimants"). Accordingly, this Order sets out additional principles and procedures for the sharing of discovery between the parties in the Daily Harvest Litigation and any Represented Potential Claimants. It is hereby

ORDERED that the following procedures shall apply to any Represented Potential Claimants who seek access to discovery

produced in the Albright Proceeding and/or additional non-duplicative discovery:

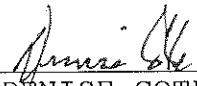
1. Any Represented Potential Claimant seeking access to discovery produced in the Albright Proceeding shall give written notice to counsel for plaintiffs and for any defendants who have filed an answer in the Albright Proceeding. The notice shall indicate that the Represented Potential Claimant agrees (a) to be bound by the Coordination Order in the event they become a party in any Related Action, (b) to be bound by the Protective Order, and (c) to be subject to this Court's jurisdiction regarding the enforcement of the Coordination Order and the Protective Order, and the resolution of any discovery dispute.
2. Within twenty-one (21) days of receiving the notice referred to in paragraph 1, any party in the Albright Proceeding objecting to the notice shall provide a letter to the Represented Potential Claimant's counsel setting forth the basis for any objections. If the dispute cannot be resolved between the objecting party or parties and the Represented Potential Claimant, the Represented Potential Claimant shall file with the

Court a letter no longer than two (2) pages setting forth the nature of the dispute and requesting resolution.

3. Any Represented Potential Claimant seeking to access additional, non-duplicative discovery shall, by August 15, 2023, submit any discovery requests to counsel for the plaintiffs in the Albright Proceeding. Counsel for the Represented Potential Claimant and for plaintiffs in the Albright Proceeding shall confer regarding the potential duplicativeness of the requests. Counsel for the Represented Potential Claimant shall, by September 15, 2023, submit any non-duplicative discovery requests to the other parties in the Albright Proceeding. Within twenty-one (21) days of receiving such a request, any party in the Albright Proceeding objecting to the request shall provide a letter to the Represented Potential Claimant's counsel setting forth the basis for any objections. If the dispute cannot be resolved between the objecting party or parties and the Represented Potential Claimant, the Represented Potential Claimant shall file with the Court a letter no longer than two (2) pages setting

forth the nature of the dispute and requesting
resolution.

Dated: New York, New York
July 19, 2023



DENISE COTE
United States District Judge